APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,270	01/31/2005	Jinsong Xu	9896-058/NP	5612

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EXAMINER
NOONAN, WILLOW W

ART UNIT	PAPER NUMBER
2146	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/523,270	XU ET AL.
	Examiner	Art Unit	
	Willow Noonan	2146	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7 and 10* is/are rejected.

7)☒ Claim(s) *8, 9* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 January 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/23/2007*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   The instant application having Application No. 10/523,270 has a total of 10

claims pending in the application; there is 1 independent claim and 9 dependent claims,

all of which are ready for examination by the examiner.

Oath/Declaration

2.   The applicant's oath/declaration has been reviewed by the examiner and is found

to conform to the requirements prescribed in 37 C.F.R. 1.63.

Priority

3.   As required by M.P.E.P. 201.14(c), acknowledgement is made of applicant's

claim for priority based on applications filed on September 23, 2002 (China

02131775.5).

Drawings

4.   The applicant's drawings submitted are acceptable for examination purposes.

Information Disclosure Statement

5.   As required by M.P.E.P. 609(C), the applicant's submission of the Information

Disclosure Statement dated March 10, 2005 is acknowledged by the examiner and the

cited references have been considered in the examination of the claims now pending.

As required by M.P.E.P 609 C(2), a copy of the PTOL-1449 initialed and dated by the

examiner is attached to the instant office action.

Allowable Subject Matter

6.   Claims 8 and 9 are objected to as being dependent upon a rejected base claim,

but would be allowable if rewritten in independent form including all of the limitations of

the base claim and any intervening claims.

Claim Rejections - 35 USC § 112

7.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

8.   Claims 1, 2, 4, and 7 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

Regarding claim 1, the limitation "current operation device set" lacks sufficient

definition in the claim and in the specification.

Regarding claim 2, the limitation "from daemons" lacks sufficient antecedent

basis.

Regarding claim 4, the limitation "for system" lacks sufficient antecedent basis.

Regarding claim 7, the limitation "current display device set" lacks sufficient

definition in the claim and in the specification.

Further in regard to claim 7, the limitation "a fourth data set" appears to be listed

as a method step. Appropriate correction and/or clarification is required.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10.   Claims 1-7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Sachse (U.S. Patent No. 6,985,901) in view of Bush (U.S. Patent No. 6,754,664).

As per claim 1, Sachse teaches a dispatching method for polling device data.

See Sachse, Abstract. Sachse teaches the step of sorting managed devices according

to their types, and assigning a priority attribute and a polling period attribute to each

module. See Sachse at col. 29, lines 63-67 ("Property groups allow categorization of

managed devices into groups. The groups can be based on device types, location,

priority, supported MIBs, business function, or any other useful characteristic."); Sachse

at col. 117 line 64 – col. 118, line 4 ("These agents poll for user-defined information on

pre-selected intervals and typically push this data up to a central point of control.").

Sachse further teaches polling according to priority data information. See Sachse at

col. 29, lines 63-67 ("The groups can be based on device types, location, priority").

Sachse does not teach that various types of data of each managed device are

sorted to different modules. However, Bush does teach that it is well known sort various

types of data of managed devices to individual modules. *See* Bush at col. 1, lines 40-51

("One class of objects defines data groups (DataGroups) that can be nested to

represent machine resources. DataGroups act essentially as folders to contain

DataCollectors. For example, one DataGroup object may represent machine software,

with DataGroups under it representing processes and services"); Bush at Fig. 4A, 4B

(illustrating division of properties into DataGroups). It would have been obvious to one

of ordinary skill in the art at the time the invention was made to use Bush's technique in

Sachse's system because Bush discloses a similar system for monitoring resources in a

computer system. *See* Bush, *Abstract*.

Bush also teaches describing the at least on module with a device ID and module

ID. *See* Bush at Fig. 4A, 4B.

As per claim 2, Sachse teaches forming a current polling task queue according to

said periodical polling, and dispatching the polling through the current polling task

queue. *See* Sachse at col. 117 line 64 – col. 118, line 4 ("These agents poll for user-

defined information on pre-selected intervals and typically push this data up to a central

point of control."). Sachse also teach that the data items for describing the current

polling task queue (*see* Sachse at col. 115, line 45, "Trap Mask Definitions") include

task ID (*see* Sachse at col. 115, line 61, "'Generic' trap ID"), occupied information (*see*

Sachse at col. 116, lines 3-6, "'Trap Logger' alarm and its associated Poll"), module ID

(*see* Sachse at col. 115, line 59, "Project Name"), device ID (*see* Sachse at col. 115,

line 49, "Server Name"), activation time (*see* Sachse at col. 116, lines 3-6, trap log file)

and priority. Sachse teaches that the activation time may include the current time in the

case of inserting a task and will be updated when a report about executing situation of

the task sent from daemons has been received and that said occupied information may

be set free after a corresponding message showing the polling task has been completed

is received or the polling task is overtime. *See* Sachse at col. 135-136 (log timestamp

and detailed log information).

As per claim 3, Sachse further teaches setting a maximum number of polling

tasks; wherein the current polling task queue is generated according to said maximum

number of polling tasks. *See* Sachse at col. 177 ("The amount of RAM [determines] the

number of nodes which you wish to manage").

As per claims 4 and 5, Sachse teaches setting a polling initiating time for system;

wherein the periodical polling is implemented based on said polling initiating time plus a

polling interval. *See* Sachse at col. 117 line 64 – col. 118, line 4 ("these agents poll for

user-defined information on pre-selected intervals").

Regarding claim 6, Sachse and Bush teach generating a data structure for

describing device type after sorting managed devices according to their types and

sorting various types of data of each device so as to form different modules. *See*

Sachse at col. 29, lines 63-67 ("Property groups allow categorization of managed

devices into groups. The groups can be based on device types, location, priority

supported MIBs, business function, or any other useful characteristic."); Bush at Fig. 4A,

4B.

Regarding claim 10, Sachse teaches selecting sequentially a device from the set

consisting of devices whose connection states need to be detected and making ping

operation for the device; wherein the success of ping operation shows said device is

connected to the network management system and failure of ping operation shows said

device is not connected to the network management system; if the connection state of

said device is changed, notifying other daemons and foregrounds about this condition.

See Sachse at col. 124, lines 6-18 ("Node Up and Node Down...when a node or

interface fails to respond to a ping, a Node or Interface Down event for the specific node

will be generated.").

Response to Arguments

11.   Applicant's arguments with respect to claims 1-7, and 10 have been considered

but are moot in view of the new ground(s) of rejection.

Conclusion

12.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

13.   Please see the included *Notice of References Cited* for additional prior art

considered pertinent to applicant's disclosure but not explicitly relied upon in this action.

14.   The examiner requests, in response to this Office action, support be shown for

language added to any original claims on amendment and any new claims. That is,

indicate support for newly added claim language by specifically pointing to page(s) and

line no(s) in the specification and/or drawing figure(s). This will assist the examiner in

prosecuting the application.

15.   When responding to this office action, Applicant is advised to clearly point out the

patentable novelty which he or she thinks the claims present, in view of the state of the

art disclosed by the references cited or the objections made. He or she must also show

how the amendments avoid such references or objections See 37 CFR 1.111(c).

16.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Willow Noonan whose telephone number is (571) 270-

1322. The examiner can normally be reached on Monday through Friday, 7:30 AM-5:00

PM EST.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeffrey Pwu can be reached on (571) 272-6798. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JEFFREY PWU
SUPERVISORY PATENT EXAMINER